

mcad

1973
ANNUAL
REPORT



In The Beginning . .

MR
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1973

Love is wise, hatred is foolish.
In this world, getting more and more
closely inter-connected;
we have to learn to tolerate each other;
to put up with the fact that some
people say things that we don't like.
We can only live together in that way
and if we are to live and not die together
we must learn a kind of charity
and tolerance absolutely vital to the
continuance of human life
on this planet.

Bertrand Russell

ON THE COVER

Our front cover is a color reproduction of a painting by Glendora and Harold Putnam. The painting symbolizes the inter-relationship of all people and represents, in a very real sense, the work of the MCAD as it seeks to bring order out of today's clashes in human relations.

THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE DEPARTMENT

1973 Annual Report of the

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION



COMMISSION Members:

Glendora Putnam, Chairman
Norman Holtz*
Francis C. Lynch, Jr.**
Douglas D. Scherer

*Replaced by Wallace W. Sherwood 8/9/73

**Replaced by Regina Healy 10/24/73

Copies of this ANNUAL REPORT may be obtained at
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION
offices:

One Ashburton Place
BOSTON

222 Union Street
NEW BEDFORD

50 Franklin Street
WORCESTER

145 State Street
SPRINGFIELD

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1973

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The Commonwealth of Massachusetts
Commission Against Discrimination

120 Tremont Street, Boston 02108

ADMINISTRATIVE SERVICES: 727-3990
FIELD INVESTIGATIONS : 727-4145

31 December 1973

The Honorable Francis Sargent, Governor
and
The Honorable Members of the General Court
Commonwealth of Massachusetts

Ladies and Gentlemen:

We conclude this program year having received a record-breaking 1600 complaints. While the willingness of the public to entrust us with their problems is heartwarming, it is distressing to us that the solutions cannot come as quickly as we desire.

We continue to be able to process only about 45% of our complaints every year. And although the number of complaints processed increases, we fail to keep pace with the intake.

The year 1973 marked the first full year of our reorganization and experimentation first implemented in 1972. Our new systems and structure proved successful in gaining for our complainants a greater measure of relief. However, the backlog still plagues us.

We shall continue to shake-up and experiment until we find a formula for eliminating the backlog. Nothing is truer than the saying, "Justice delayed is justice denied." We hope, sincerely, to bring justice closer.

We are grateful to a hard-working staff which is willing to

test out new investigative techniques and to respond favorably to the push to increase production. It is this dedication that has produced the results in this report.

Very truly yours,

/s/ Glendora M. Putnam

Glendora M. Putnam
Chairman



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FIELD INVESTIGATIONS : 727-4145

The Honorable Francis W. Sargent, Governor
and
The Honorable Members of the General Court
Commonwealth of Massachusetts

Ladies and Gentlemen:

On July 1, 1973, this Commission employed a full time Administrator to deal with the myriad of administrative problems, procedures and policies, thereby relieving the Commissioners of personnel and administrative matters.

From this action has emerged a balanced, centrally controlled administrative organization which has eliminated the single most significant problem adversely affecting this Commission which was coordination between the various departments.

The daily operation of the Commission is conducted by a professional staff under the supervision of the Director of Administration who implements the policies adopted by the Commission and directs and maintains staff proficiency. The Administrative Section is headed by Barbara Walsh, Head Administrative Clerk, assisted by Esther Pirkot, Principal Bookkeeper, Katherine E. Flannery, Principal Clerk, Helen F. Roman, Senior Clerk, Concetta M. Rossetti, Senior Clerk & Typist, and Candice Dow,

Telephone Operator. The Administrative Section has the primary responsibility to conduct an efficient day-to-day operation of administering to the needs of MCAD and EEOC members and staff. The section is a vital link between other state agencies.

To effect an efficient administrative organization, continual planning at the administrative level is necessary; therefore immediate and long range goals have been set as follows:

IMMEDIATE GOALS

1. The development of a sound structural organization is of prime importance for stability of the organization.
2. Plans for interim training for all staff personnel.
3. Establishing Training and Personnel Committees to coordinate training and personnel procedures for the agency.
4. Systems analysis are continually under surveillance for new methods and procedures.

LONG RANGE GOALS

1. Extensive studies are being made into the computerizing of some of the major MCAD activities such as **Field Operations, Research and Clerical**.
2. Career ladders have been established in the Field Operations Division for the first time to insure upward mobility.
3. Grant funds are sought on a continuing basis to support MCAD activities. Presently, the following Federal Grants are available:
 - A. (EEOC) Equal Employment Opportunity Commission Grants have supplied financial and technical assistance from the United States Equal Employment Opportunity Commission. These funds have enabled MCAD to maintain the services of an excellent legal staff.

B. (EEA) Emergency Employment Act — MCAD is cooperating with the Office of Manpower Affairs in participating in (EEA) Emergency Employment Act Program. Five Field Representatives were employed under this program.

With the support of these federally funded programs, MCAD has been able to increase its staff. However, due to the time restrictions on these programs, there is a question as to their long term effectiveness.

MCAD looks to the future. Plans are being made to further our administrative proficiency as we support the total effort to eliminate discrimination in the Commonwealth of Massachusetts.

Very truly yours,

/ s / Thomas H. Wright

Thomas H. Wright
Director of Administration

ADMINISTRATIVE DIVISION

Nancy L. Barnes

Head Administrative Assistant

The following budgetary summary covers all financial activity of the Massachusetts Commission Against Discrimination during the 1973 fiscal year, i.e., July 2, 1972 through June 30, 1973:

Analysis of Disbursements:

Salaries — Permanent	\$519,321.09
Salaries — Temporary	101,519.18
Services — Non-Employees	31,027.04
Heat and Light	3,762.53
Travel and Automotive	10,692.57
Advertising and Printing	7,260.17
Repairs	646.37
Special Supplies and Expenses00
Office and Administration	23,018.48
Equipment	1,273.75
Rentals	50,517.47
<hr/>	
Total	\$749,038.65

Appropriations	\$831,567.00
Deficiencies	\$0.00

\$831,567.00

Disbursements	\$749,038.65
Reverted	\$50,177.55
Encumbered	\$32,350.80

\$831,567.00

The MCAD was the recipient of the following Federal grants:

Equal Employment Opportunity Commission

1150-5301

Total Available	\$230.00
Advances00
Expenditures	230.00
Cash Balance00

Department of Housing and Urban Development

1150-5305

Balance Forwarded	\$10.96
Cash Received	4,563.83
Total Available	5,574.79
Advances00
Expenditures	3,350.22
Cash Balance	1,224.57

Equal Employment Opportunity Commission

1150-5310

Balance Forwarded	\$37,400.00
Cash Received	63,968.81
Total Available	101,368.81
Advances88.70
Expenditures	92,439.25
Cash Balance	8,840.86

Department of Housing and Urban Development

1150-5311

Balance Forwarded	\$.00
Cash Received	62,820.00
Total Available	62,820.00
Advances	155.00
Expenditures	57,927.66
Cash Balance	4,737.34

Equal Employment Opportunity Commission

1150-5312

Balance Forwarded	\$.00
Cash Received	29,833.00
Total Available	29,833.00
Advances00
Expenditures	23,268.60
Cash Balance	6,564.40

COMMUNITY RELATIONS DIVISION

James R. Davis
Director

Barbara R. Chandler
Assistant Director

One of the functions of the Community Relations Division of the Massachusetts Commission Against Discrimination is to create such advisory agencies and conciliation councils, local, regional and state-wide, as in its judgment will aid in effectuating the aims of the Commission, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of race, color, religious creed, national origin, sex, age, or ancestry, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the Commonwealth, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances, and for purposes of formal education which the Commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens.

Name of Council	Chairman	Vice Chairman
Berkshire	Albert Bogdan	Lafayette Walker
Boston Area	Seth Emmer	Douglas Butler
Cape Cod	Scoba F. Rhodes	Carrie Saunders
Fall River	William P. Riley	Betty Metz (Dr.)
Fitchburg	Barbara Schnuer	John A. Adams
Merrimack Valley	Atty. S. Bush	Oscar J. Rodriguez
New Bedford	Calvin Siegal	William Lapre
North Shore	David E. Wharton	Mary F. Berlyn
South Shore	James W. McClain	Mary L. Pottle
Springfield	James Hennessey	George Rodriguez
Worcester	Rev. Richard Campbell	Joseph Eid

In 1973, Community Relations set up and attended over 50 Advisory Council Meetings to survey the libraries in their respective areas concerning minority literature and the displaying of appropriate materials. Also Community Relations disseminated MCAD literature and legislation. The support and the help of the Advisory Councils was one of the most important arms of "PREVENTIVE DISCRIMINATION".

The councils also took an active role in the "A-95 Reviews" and submitted their findings to the MCAD.

Another aspect of Community Relation's work was the sending out of over 1,000 requests for posters, guidelines, compilations of laws, etc.

In February, 1973, Community Relations helped the Worcester Human Rights gain Subpoena Rights.

Community Relations was present at over 1/2 dozen areas where tensions were running high and the division worked with the police department and community people to alleviate the tension. We were present at four conventions and Community Relations maintained display booths and handed out informative MCAD materials. We worked with the Spanish-speaking and Chinese communities across the state by having material translated into the respective languages as well as assisting HUD in the Lawyers' Seminar in March 1973.

One of the major important programs developed in 1973 by Community Relations in conjunction with the Human Rights Office of the Westover Air Force Base, was the development of a sensitivity program for all military personnel on the base.

Another highlight for our division was a conference held with Mr. Sam Moore, Regional Director of National Park Services in June 1973, to develop an Affirmative action program for minorities in the Park Services. This led to the employment of over 20 minorities in the New England area in the Park Services.

In August of 1973, we set up (in conjunction with the Berkshire Advisory Council and the Berkshire Community College) the Pittsfield Seminar which dealt primarily with the upgrading, regrading and equal opportunity for women in employment. This seminar was attended by over 150 business representatives and employers in the western part of the state.

The division of Community Relations spent a considerable amount of time with the Indian people of Massachusetts in 1973 to help them maintain their rights and be recognized in communities and to develop programs among their people.

COMPLIANCE DIVISION

Robert F. Mahoney, Director
Roger C. MacLeod, Assistant Director

During the year 1973, the MCAD's Compliance Division continued its efforts to implement the Governor's Executive order Number 74 (Governor's Code of Fair Practices). This Executive Order requires that all state agencies and appointing authorities of the Commonwealth conduct affirmative action programs — which are subject to review by the Compliance Division of the MCAD — to ensure equal employment opportunities for all citizens of the Commonwealth.

Pursuant to this Order, the Compliance Division conducted a survey of the number and level of minority and female employees of state agencies employed throughout the Commonwealth during 1972. Data compiled in this survey was incomplete; as a result, publication of the "Report on Employment of Minorities and Females in State Service" will not be available until a later date. The MCAD, through efforts of the Compliance Division, will continue to work with Equal Employment officers of state agencies to increase minority and female representation in state government.

The MCAD, in conjunction with the Executive Office of Transportation and Construction, developed a Construction Compliance and Affirmative Action Plan for state contracts; the plan was first implemented at a Boston State College construction site.

Section 1B.-.03 of this plan states, "As part of his obligations of remedial action under the foregoing section, the Contractor shall maintain on this project, which is located in an area in which there are high concentrations of minority group persons, a not less than twenty percent ratio (30% after 5 / 30 / 73) of minority employee man-hours to total employee man-hours in each job category, including, but not limited to, those "classes of work" enumerated in

Section 44c of Chapter 149 of the Massachusetts General Laws.

The Plan was challenged in the Federal Courts with respect to the legality of the contract language by the Associated General Contractors of Massachusetts, Inc.

The MCAD scored a significant victory when the Federal District Court of Massachusetts and the First Circuit Court of Appeals upheld the constitutionality of the state plan language and ratified and recognized the legitimacy of specific percentage goals and performance standards for minority hiring. The decision by the circuit court has been appealed to the U.S. Supreme Court.

The Compliance Division's staff members also conducted pre-construction conferences with all contractors having state contracts in excess of \$100,000.

The Compliance Division's Field Representatives were assigned to investigate "Back-log" complaints. Through their efforts a substantial number of complaints were processed.

Over 100 meetings were conducted with representatives of the Department of Transportation, Department of Community Affairs and other organizations preparing contract language for all state construction projects.

Through the efforts of the Compliance Division, the MCAD during 1973 completed:

- 123 pre-construction conferences with contractors
- 42 post-construction conferences
- 76 on-site reviews
- 120 compliance reviews
- 60 liaison committee meetings
- 185 special assignments

EDUCATION DIVISION

Janet Bryant, Director

The Commission's Education Division operated during 1973 with Janet Bryant as Director.

The MCAD has responsibility to enforce the Fair Educational Practices Act, Chapter 151C, of the General Laws of the Commonwealth, and to provide programs designed to ensure equal educational opportunities for all citizens of the Commonwealth, and the Education Division of the MCAD is vested with this function. This responsibility extends to all educational systems within the Commonwealth and to all levels within each such system.

Toward fulfillment of this responsibility, the Education Division has been involved in a three-fold program which includes the following: enforcing the anti-discrimination laws as they apply to education, working with school departments and colleges to structure affirmative action programs for those institutions, and dealing with tension situations in education which stem from discriminatory practices. The program has involved school administrators and staff, parents, students, and various agencies and individuals concerned with quality education for all students in the commonwealth. Through these efforts, legislation beneficial to education has been supported. The MCAD's 1973 educational opportunities program included the following:

Educational Opportunities for Non-English Speaking Students

The enactment of the Bilingual Education Bill in 1971 (making Massachusetts the first state in the nation to have mandatory programs providing equal educational opportunities for its non-English speaking children as compared with those provided English-speaking children) did not end the involvement of the division in the education of non-English speaking children. Utilizing the structure of the

state-wide Bilingual Coalition (made up of more than 65 organizations which played an important part in lobbying to get the legislation enacted), the Education Division is playing an active role in ensuring that school districts are complying with the legislation and providing meaningful education for Spanish, Italian, Greek, Chinese, Portuguese, and other non-English speaking children. The Division serves as a member of the Massachusetts Advisory Council on Bilingual Education which takes action in cases of non-compliance.

Affirmative Action in Education

Under the provisions of Executive Order No. 74, the Governor's Code of Fair Practices, the Commission is developing Affirmative Action Programs in public schools in order to remedy existing patterns of practices and discrimination. Affirmative action programs in educational institutions include recruitment, admissions and support services for minority students and employment practices (recruitment, hiring, promotions, etc.) of professional staff members. The Division has been working with various school departments and colleges throughout the Commonwealth to assist in formulating and implementing suitable programs. Included in such effort was the Commission's review of Affirmative Action programs which had been submitted by colleges which wished to request ethnic and racial data on college entrance examination applications (in accordance with "Opinion and Ruling" rendered by the Commission).

A complaint and investigation has been initiated against the colleges in the Massachusetts State College system to determine if suitable progress is being made in their employment policies and admissions of students.

Investigations

The Education Division cooperated with the Commission's Field Operations Division on those complaints alleging unlawful discrimination in education, which were

filed for investigation and processing. Cases under the Commission's jurisdiction in educational institutions involve discrimination in hiring practices and in admissions of students.

It is significant that in May 1972, the Commission, after 15 days of public hearing on the "Elite Schools" case announced a plan for altering the admissions practices in the Boston Latin School, the Girls Latin School, and the Boston Technical High School — to increase the admission and enrollment of minority students. This plan which became effective in the 1973—1974 school year is being reviewed and assessed by the Division. A determination will be made as to compliance and if the goal of better balancing the schools is being achieved.

This year the Division has been working on case processing, focusing on complaints which are involved with admissions of students.

Vocational and Occupational Education

Meetings were held with an Ad Hoc Committee on Vocational and Occupational Education to initiate a task force to work with the Department of Education to assist in ensuring equal admissions and employment opportunities for students and staff members in vocational programs and schools.

Tension Situations at the Various Schools

In response to complaints from students, community agencies and teachers relative to tension situations and potential problems stemming from alleged discriminatory practices in schools, meetings were held in various communities from Medford to Cape Cod in order to attempt a resolution to these problems. These situations involved both colleges and school departments.

Future Plans

The Commission's Education Division has formulated programs for 1974 which include a continuation of effort in

both the investigative and Affirmative Action aspects of the Division in an effort to ensure equal educational opportunities for all citizens of this Commonwealth.

FIELD OPERATIONS

Luther E. Allen, Jr., Chief
Mary R. Petruzzelli, Assistant

The Field Operations Division investigates allegations of unlawful discrimination, as defined in Chapter 151B, 151C and 272.

Chapter 151B of the General Laws of the Commonwealth deems it unlawful to discriminate against anyone in: Employment because of race, color, religious creed, national origin, age, sex or ancestry, and in Housing because of race, color, religious creed, national origin, sex, age, ancestry, military status (member of armed forces or veteran), recipient of public assistance or children.

Chapter 151C of the Massachusetts General Laws, deems it unlawful to discriminate in Education or Vocational Institutions on the basis of race, religious creed, color, national origin, sex or age and Chapter 272 of the Massachusetts General Laws in the statute prohibiting discrimination in Public Accommodations because of race, color, religious creed, national origin, sex or ancestry.

The Field Operations Division operated with twenty-five Field Representatives (investigators). Of the twenty-five Field Representatives, twenty were assigned to the Boston office, two were assigned to the New Bedford office, one assigned to the Worcester office and two assigned to the Springfield office. This field staff is divided into seven units, each with an attorney-supervisor.

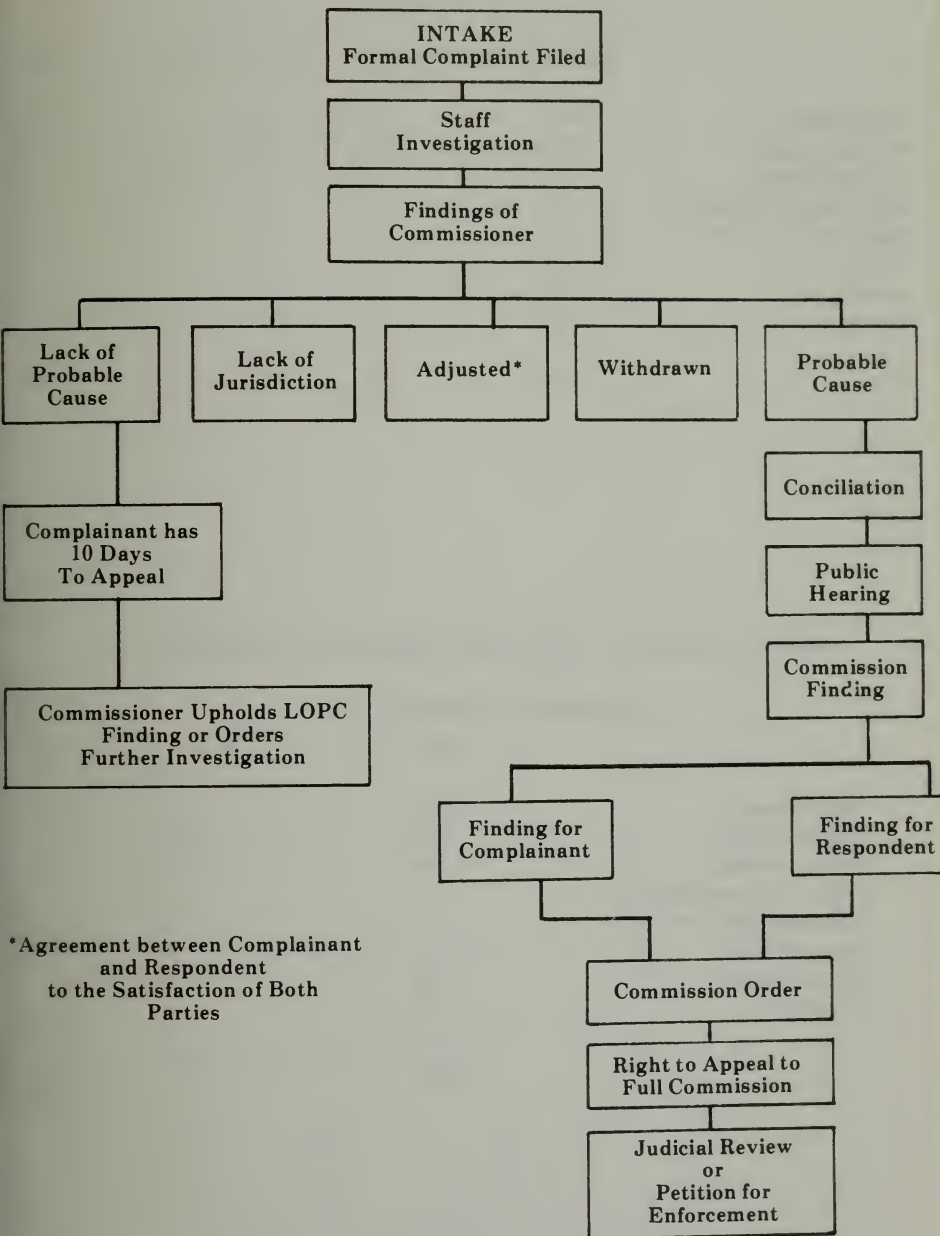
The receipt, docketing, assignment, processing and investigations of complaints filed with the Commission is the responsibility of this division.

During 1973, there were 1,600 complaints filed with this Commission, 1,082 alleging unlawful discrimination in employment, 20 alleging unlawful discrimination in violation of Paragraph 4 of Chapter 151B (harassment), 9 alleging unlawful discrimination in violation of Executive Order No. 74, 319 alleging unlawful discrimination in

private housing, 14 in public housing, 98 in public accommodations and 58 Commission initiated investigations.

Each complaint filed with this Commission is submitted to the Chief's office for proofreading, docketing and assigning. The complaint is assigned to a unit, then to the Field Representative who conducts the investigation. With the advent of the use of interrogatories, it was possible in 1973 to investigate complaints at a rate of 44% on a current basis, in comparison to a processing rate of 31% for the year 1972, an increase of 13%.

COMPLAINT PROCEDURE



COMPLAINTS & INVESTIGATIONS FILED 1973
BY OFFICE

	Boston	New Bedford	Spfld.	Worc.	Total
Employment	868	41	103	70	1,082
Private Housing	224	24	48	23	319
Public Housing	13	0	1	0	14
Public Accommodations	77	5	12	4	98
Exec. Order No. 74	9	0	0	0	9
Par. 4	17	1	2	0	20
Investigations	32	4	0	2	38
Education	19	0	1	0	20
Total	1,259	75	167	99	1,600

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

COMPLAINTS FILED 1973

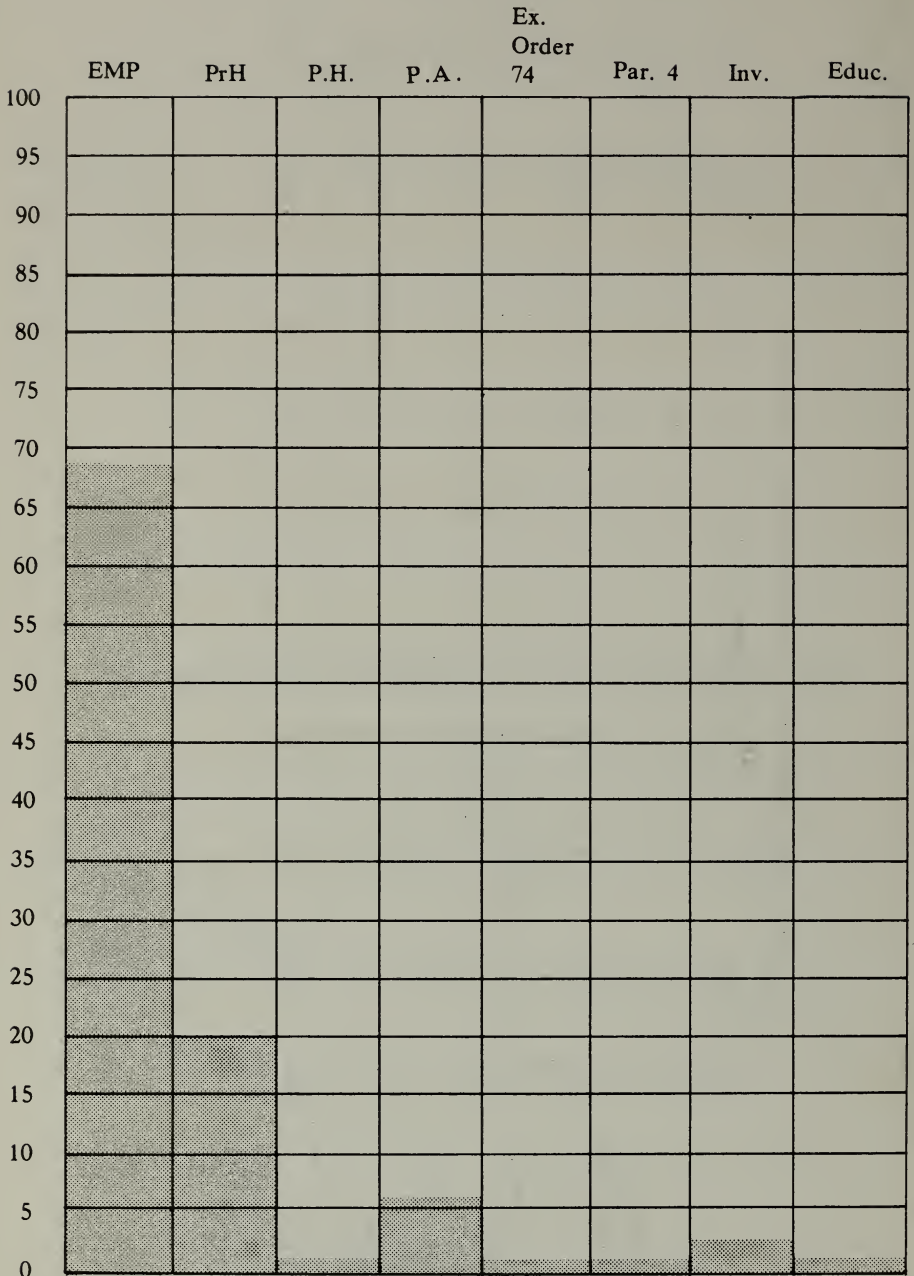
	Filed	Percent
Employment	1,082	68
Private Housing	319	20
Public Housing	14	01
Public Accommodations	98	06
Executive Order No. 74	9	01
Paragraph No. 4	20	01
Investigations	38	02
Education	20	01
	1,600	100%

TOTAL NO. COMPLAINTS FILED IN 1973 BY CATEGORY

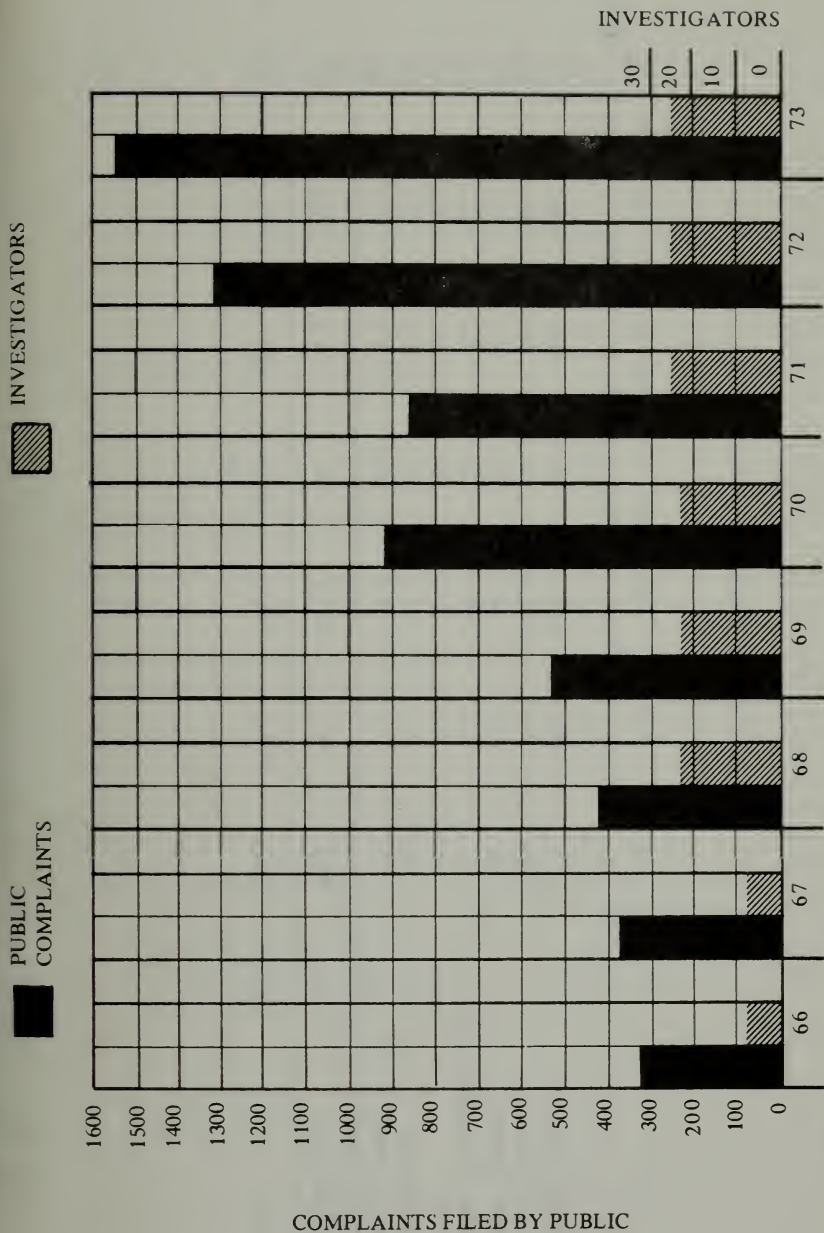
	PrH	Emp	P.H.	P.A.	Ex. Order 74	Par. 4	Inv.	Educ.	Total	Pct.
Race	183	43	1	18	9	6	5	1	257	16
Color	369	110	4	39	1	8	16	12	559	34
Religious Creed	29	3	0	1	0	0	0	0	33	02
National Origin	97	25	4	6	3	0	0	3	138	09
Sex	321	21	1	22	5	1	14	3	388	24
Age	69	11	0	1	0	1	2	1	85	05
Nat'l Ancestry	14	1	0	1	0	0	0	0	16	01
Children	0	56	1	0	0	0	1	0	58	04
Welfare	0	35	3	9	0	0	0	0	47	03
Marital Status	0	11	0	1	0	0	0	0	12	01
Blind	0	2	0	0	0	0	0	0	2	.0025
Veteran	0	1	0	0	0	0	0	0	1	.0025
Other *	0	0	0	0	0	4	0	0	4	.0050
TOTAL	1,082	319	14	98	9	20	38	20	1,600	100%

* Opposed practices

COMPLAINTS FILED 1973 PERCENTAGES



RISE IN COMPLAINTS OUTSPACE INVESTIGATORS



Recurring problems on certain issues which were originally handled as commission initiated complaints are now handled through administrative procedures which result in the elimination of the unlawful practice without the need for a commission initiated complaint.

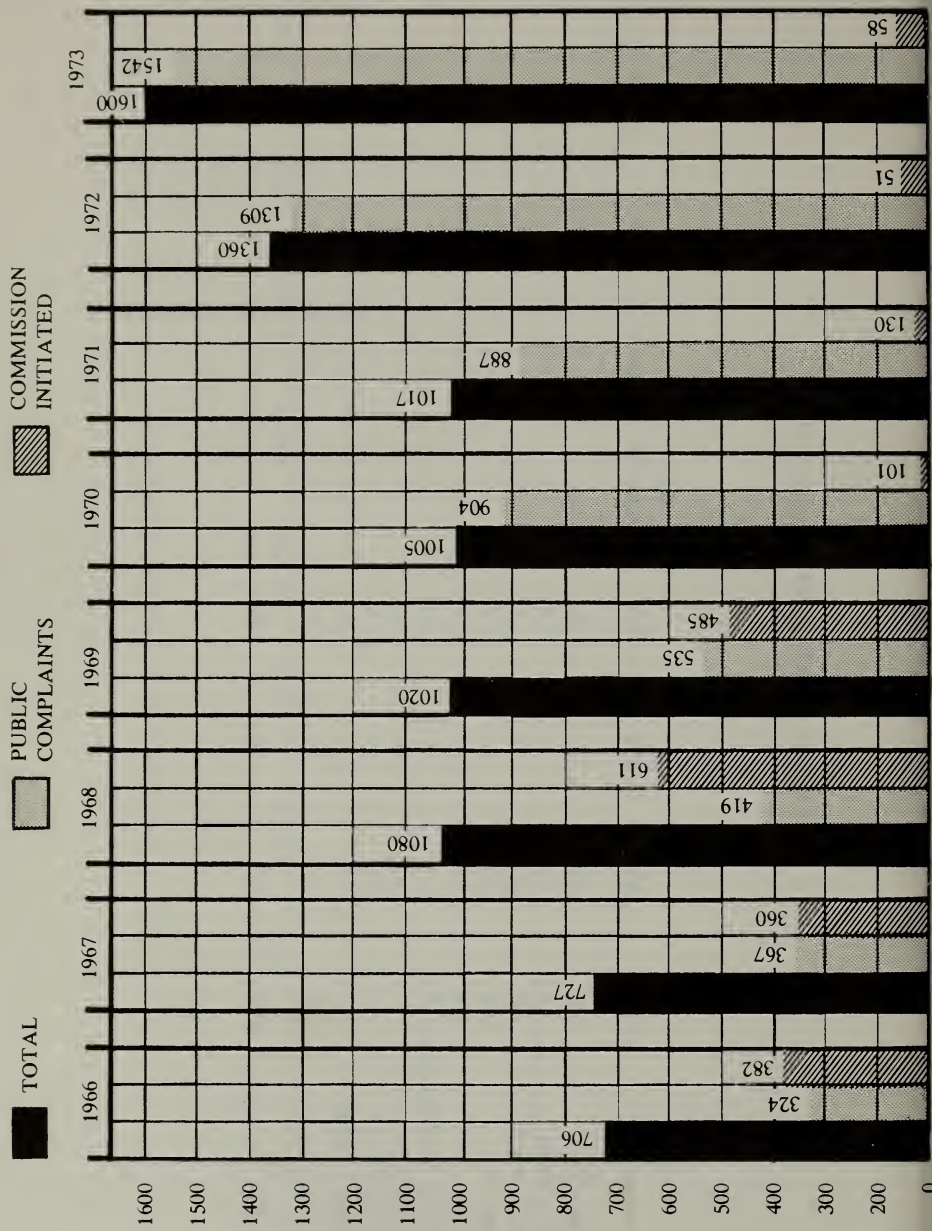
DISPOSITION OF CASES CLOSED 1973

	WD	LOJ	LOPC	Closed ADM	Waived EEOC	P.C. Concil.	P.H. C&D Order	Total
Employment	123	28	224	4	16	49	15	459
Private Housing	11	8	107	1	0	26	0	153
Public Housing	0	0	3	0	0	1	0	4
Public Accommodations	5	7	12	2	0	10	0	36
Par. 4	4	0	6	0	0	1	0	11
Investigations	5	1	12	1	0	4	0	23
Exec. Order No. 74	0	0	3	0	0	0	0	3
TOTAL	148	44	367	8	16	91	15	689
Percent	.2148	.063	.532	.011	.023	.1320	.0217	.9975

TOTAL NO. COMPLAINTS CLOSED 1973

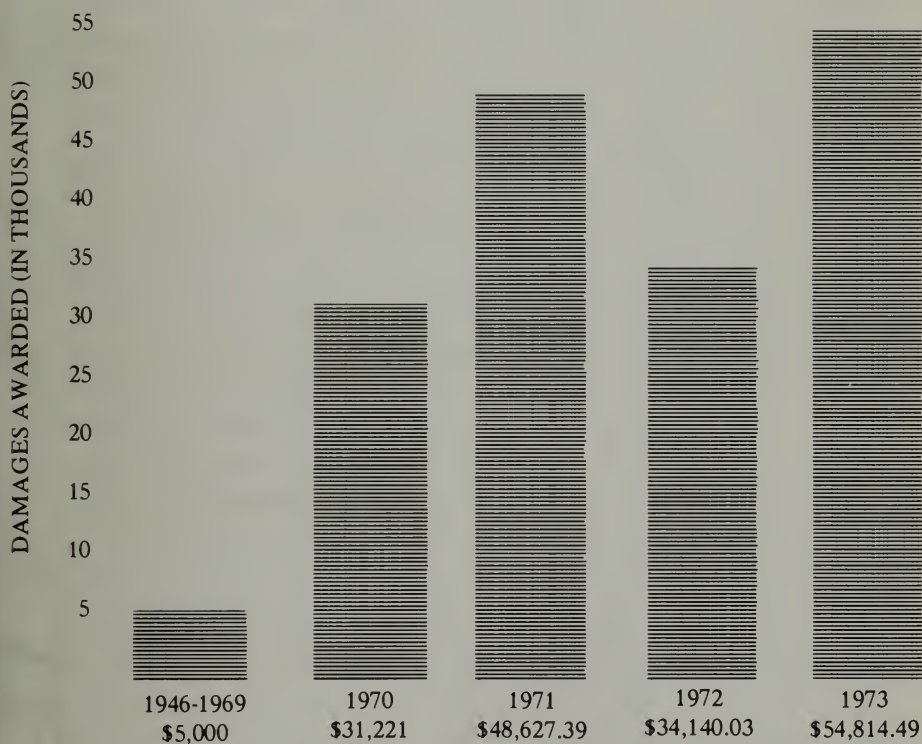
	EMP	PrH	PH	PA	Ex. Order 74	Par. 4	Inv.	Total	Pct.
Race-Color	241	81	—	25	—	6	18	371	54
Rel. Creed	15	3	—	1	1	—	—	20	3
Nat'l Origin	56	17	1	1	2	2	1	80	12
Sex	101	13	—	7	—	3	2	126	18
Age	39	3	—	1	—	—	2	45	7
Nat'l Ancestry	4	—	—	—	—	—	—	4	.0058
Children	—	23	—	—	—	—	—	23	3
Welfare	1	11	3	1	—	—	—	16	2
Marital Status	—	2	—	—	—	—	—	2	.0029
Veteran	2	—	—	—	—	—	—	2	.0029
TOTAL	459	153	4	36	3	11	23	689	100 %

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION



MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

DAMAGES AWARDED



TOTAL \$173,802.91

This is the total amount for the 23 year period estimated by Massachusetts Commission Against Discrimination Research Division.

COMPLAINTS & INVESTIGATIONS CLOSED 1973

	Boston	New Bedford	Spfld.	Worc.	Total	Percent
Employment	438	3	17	1	459	67
Private Housing	136	0	11	6	153	22
Public Housing	4	0	0	0	4	.0058
Public Accommodations	31	3	2	0	36	5
Ex. Order No. 74	3	0	0	0	3	.0043
Par 4	11	0	0	0	11	2
Investigations	23	0	0	0	23	3
	646	6	30	7	689	100%

LEGAL DIVISION

Attorney Leonard DePaola
General Counsel

Building upon the small corps of lawyers provided through a federal grant from the Equal Employment Opportunity Commission, the present legal division of the Commission now consists of 6 full-time lawyers and 3 part-time lawyers and legal interns. In addition, the legal staff has been complemented by the assistance of several non-paid legal interns from the law schools in the area. With the exception of the General Counsel, the legal staff is wholly funded by financial grants from the Equal Employment Opportunity Commission. During 1973, the General Court created the position of General Counsel, Commission Against Discrimination; this position represents the only state supported member of the Commission's legal staff.

As a part of the Commission's internal reorganization, the Legal Division was relocated into one central office. Additional office space was allocated for a law library, and, certain of the grant funds were allocated to add substantial new volumes and resources thereto. These steps have enabled this division to make more efficient use of its personnel and resources.

In 1973, the Commission continued the practice, begun in 1972, of dividing field investigators into particular units. Under this system, much of the legal division's efforts have been devoted to supervising the investigation of complaints, directing efforts to conciliate complaints short of a public hearing. This direct day-to-day involvement in the case processing has enabled the legal division to identify and isolate areas of the case processing system that require revision and modification. These areas are discussed by the division in its weekly meetings and recommendations are made to the Chief of Field Operations and the Commission, which, as they are adopted, increase the efficiency and effectiveness of the agency.

The legal division has also been involved in a number of

special projects.

The EEOC deferral project involves the investigation and case processing of complaints of unlawful employment discrimination, which are deferred to the Commission Against Discrimination by EEOC. This project involves substantially all of the work contracted for under the grant program referred to herein. This deferral project is headed by Michael J. Hoare as its Director.

Teaching and training have become an integral part of the duties and responsibilities of the legal division. To this end, the lawyers have participated and devoted substantial time to the preparation of seminars for all members of the Commission's staff. These efforts have kept all levels of Commission employees up to date with the development of civil right cases and law, both on a local regional and national basis.

During Fiscal 1973, and more than any other year, the legal division has been involved in a significant number of cases at the public hearing level. With training provided by the EEOC Project Director and the General Counsel, all staff attorneys, and certain legal interns, have become involved in the actual prosecution of complaints through public hearing. These have included the drafting of proposed Findings of Fact, Conclusions and Orders, Memoranda of Law, and generally following the case through the ultimate decision process.

Under normal circumstances, the Civil Rights Division of the Office of the Attorney General has been responsible for the enforcement of Commission decisions at the Superior Court level. However, in a significant number of cases, attorneys from the legal division of this Commission have been appointed Special Assistant Attorney Generals for the purpose of prosecuting those cases which had unique characteristics or require certain special expertise not otherwise available outside of these offices. In most cases the effects have been far-reaching and tremendously successful.

Notwithstanding the tremendous burden on their time, all

members of the legal division have given of their free time and week-ends to provide training and advice to the many local civil rights agencies across the Commonwealth of Massachusetts. Their participation in speaking engagements and general availability to these various groups has provided a tremendous public awareness of the activity of this Commission.

Working closely with the Research Division, the legal division has presented the Commission's view of the civil rights aspects of many pieces of legislation, in written and oral testimony, to several committees of the legislature.

The legal division has also benefited from the training sessions sponsored by the EEOC and other organizations involved in civil rights throughout the year.

1973 ended on an upbeat note for the legal division. As our organization grew more sophisticated and our expertise continued to develop, efforts were underway which would greatly increase our effectiveness. In the Commission's budget proposal for fiscal year 1975, provision was made to add 10 additional lawyers to this division. While it is uncertain how this proposal will fare in the legislature, we are optimistic of its eventual passage.

PUBLIC INFORMATION OFFICE

Morris Robinson

Public Information Officer

The public information officer is the voice of the Commission speaking with the consent and approval of the Commissioners. Our objective is to eliminate unlawful discrimination through the dissemination of information to the public regarding the results of case-processing and Commission decisions following public hearings in the hope that such information will act as a deterrent to those who are committing acts of unlawful discrimination or who may be tempted to do so.

We believe it is far better to prevent an unlawful act of discrimination than to prosecute one.

Beginning in September, we distributed 15 press releases to the Massachusetts media, members of the legislature, human rights agencies, law enforcement agencies and other organizations. Each mailing amounted to about 700 copies. These press releases were picked up by the wire services, the Boston and Massachusetts daily papers and many weeklies. Decisions involving discrimination against women received the widest coverage.

We completed the 1972 Annual Report which was started by our predecessor, and we began planning for a monthly news digest to be mailed to all 50 states beginning in 1974.

We also made plans to produce and distribute an in-house weekly bulletin designed to keep our staff members informed about the day-to-day events occurring internally and hopefully, to inspire a feeling of camaraderie among our employees.

Both the news digest and the bulletin, as well as the cover of the 1973 Annual Report, were designed by Andy Sweeney of the State Printing Office. Without his help and wise counsel, our tasks would have been much more difficult to perform.

Since September 1973 (when the present public information officer assumed his duties), staff members and

the Commissioners participated in 66 outside speaking engagements, radio talkshows and TV. About half of these engagements occurred after regular working hours for which no compensatory time was granted.

Since assuming this position, we have advocated adopting measures which would indicate to the business community that the Commission is here to serve it, as well as the individual citizen. With this objective in mind, we updated and distributed to hundreds of business concerns a "Guide to Fair Employment Practices" in the hope that the information contained therein would be helpful to businessmen in their conduct of hiring practices, promotion policies and employee relations.

Again, with this objective in mind, we sought Commission approval of a "Remedial Action Award" which would be presented to businesses which have demonstrated a willingness to extend job opportunities and the chance for advancement to an ever-increasing number of minorities and women.

We continued to supply business, real estate and educational establishments with anti-discrimination material for posting as required by law.

We spent many hours every week answering telephone requests for information and / or referrals to other agencies in addition to responding to calls from the media seeking information about public hearings and other matters of interest to the reading, viewing and listening public.

Available Publications

1. **"Guide to Fair Employment Practices"** — A leaflet prepared to help the business community examine and correct its employment and promotion practices to insure elimination of all discrimination based on race, color, religion, national origin, sex, age or ancestry.
2. **"It is Illegal to Discriminate on the Basis of Sex"** — Sex discrimination in employment, credit, housing and public accommodations is explained.

3. **"Guidelines on Maternity Leave"** — Explains the Commission's interpretation of the new law regarding maternity leave.
4. **Monthly "News Digest"** — Contains the histories of important cases decided by the Commission; monetary awards to complainants; statistics on complaints received and closed during the month; other items of interest to national human rights agencies.
5. **"Fair Practice Law"** — Section 7 of the Fair Practice Law requires every employer, employment agency and labor union subject to its provisions to post this notice in a conspicuous place on their premises.
6. **"A Guide to the Fair Housing Law"** — a leaflet prepared for real estate brokers, home builders, real estate owners, land developers, agents and tenants, landlords, home owners and home buyers.
7. **"Public Accommodation"** — posters in English and Spanish provided for posting in all places of public accommodation.

RESEARCH DIVISION

Dorothy T. Parrish, Research Director

The Research Division of the Commission continues its main function — to supply research and statistical research the Commission staff, public and private agencies, and individual citizens. We continued to provide statistical data for case processing and enlarged our list of books, publications, and periodicals in the Research-Resource Bank Library. All these resources have been used extensively in all areas of equal opportunity and affirmative action.

The Research Division worked with the Legal Counsel, Leonard DePaola, and other lawyers in the Commission on the Commission's guidelines and legislation. Charts of Legislation submitted to the General Court in 1973 that will affect MCAD, and legislation that became law are attached.

In 1973, the Commission enlarged its impact on Civil Rights in Massachusetts by taking part in the A-95 review process. (A more complete discussion of the A-95 instructional memorandum is presented elsewhere in this report.) For example, in 1973, the Research Division investigated 69 towns in the Commonwealth in respect to the implications on fair housing of various funding applications sent to MCAD for review. The results of these investigations were twofold. First, our Town Profiles were strengthened and enlarged due to increased knowledge of these towns. Second, we had the opportunity to block federal funding for many projects that would have furthered discrimination in our Commonwealth.

The Research Division continued to tabulate and analyze data collected by the Compliance Division on minorities and females employed by the Commonwealth, in accord with Executive Order No. 74. A summary of the 1972 Census Data is included in this report. Because of limited staff, this

analysis of Census Data is always a year behind schedule. Agencies not included in this report are indicated in this report. Also included is a chart outlining monetary damages awarded complainants as a result of MCAD complaints and investigations with final dispositions.

This year the Research Director was given several new duties, one of which is coordinator of training for the Commission until a Training Director can be appointed under the proposed reorganization of MCAD. A Training Committee was established and the first major undertaking was to survey all present and former staff members. The results of this study will be completed in January 1974 and will be the guidelines for the committee's activities.

The Research Division and the Commission were saddened to lose the services of Della Gilson, the Assistant Research Director, to the Federal Office of Contract Compliance during the fiscal year 1973. However, we were fortunate to have some very able student interns from Boston College, Wellesley College, and Wheaton College.

A-95 Review — What is it?

The Office of Management and Budget Circular No. A-95 was issued by the Federal Government in an effort to coordinate the activities of planners and developers on all levels of government and to create a climate in which intergovernmental cooperation can take root and flourish. It does this by creating opportunities for contact and communication within and between the several levels of government.

The A-95 memorandum outlines a review procedure — the purpose of which is to insure that federal funds are spent in a manner most beneficial to the communities involved. Applicants for federal funds must first submit their applications to the appropriate State and regional planning offices for review. In this way, interested agencies (e.g., school boards, Human Rights agencies, and community planners) can assure that the applicant's proposal is neither in violation of existing desegregation laws, or counter-productive in view of an already-existing project. Further, interested agencies have an opportunity to add helpful comments and, if applicable, plan ways in which the applicant's proposal can be incorporated into an agency's future plans.

In order to take full advantage of the opportunities to communicate with the many levels of government, the participants should have an appreciation of the requirements involved in the review process as opportunities, rather than as administrative obstacles.

- The applicant should recognize the opportunity to develop a better project through avoidance of conflict with existing agencies and through assistance in getting the most out of his investment.
- The State and local agencies that have the chance to review the applications should also recognize the opportunity for increasing program effectiveness through avoidance of conflict and by assisting the applicant to form sound plans, the completion of

which will be facilitated by the coordination and cooperation of all interested agencies.

- The clearinghouse should recognize the opportunities for providing real service to applicants which will improve the clearinghouse's position as a constructive force in regional and State government.

The term "clearinghouse" is meant to fully reflect the functions of these State and local planning offices:

- 1) to identify the relationship of any project to Statewide or areawide comprehensive plans.
- 2) to identify the relationship of any project to the plans or programs of particular State agencies or local governments.

While clearinghouses are expected to have comprehensive planning capabilities or direct access to such capabilities in order to identify the compatibility of proposed projects to Statewide or areawide plans, the "clearinghouse" aspect is equally important. It can well happen that a project which is not inconsistent with State or area comprehensive planning may be in conflict with the plans or programs of a particular State or local agency.

Thus, when an applicant sends a notification to the State clearinghouse, the clearinghouse will not only examine the project from the standpoint of State comprehensive planning, but will forward a copy of the notification to any State agencies having plans or programs that might be affected to ascertain their interest in participating in any follow-up conference with the applicant. The regional or metropolitan clearinghouse to which the applicant also sends the notification will similarly contact specific local governments and agencies which might be affected.

It should be noted that when the comments of interested agencies are submitted through the clearinghouses, the clearinghouses must transmit those comments to the applicant, who, in turn, must submit the comments with his application to the Office of Management and Budget for final funding approval. Also, before the application can be

sent to the Office of Management and Budget, the appropriate clearinghouse must certify that the application has undergone the necessary review procedures.

In summation, the Regulations promulgated under Circular A-95 are aimed at promoting more effective coordination of planning and development activities carried on or assisted by the Federal government. The major device of the Regulations is encouragement of systematic communications between the federal government and State and local governments carrying out related planning and development activities. Used judiciously by State and local governments and regional bodies, the process set forth in the Regulations can result in more expeditious, more effective, and more economical development.

The Office of Planning and Program Coordination is the agency in Massachusetts that has comprehensive planning capacity. Therefore, the Governor appointed that office to disseminate review data to other State agencies, such as MCAD. In March 1972, the A-95 Circular was amended to provide State and local Civil Rights enforcement agencies with review and comment authority. Then, in June 1972, MCAD, which is an enforcement agency, became a member of the Massachusetts State Clearinghouse Review Team.

The Massachusetts Commission Against Discrimination Review Team started with three people — Norman Huggins, Attorney and Director of the Housing Unit; John Ahearn, a senior field investigator; and Dorothy T. Parrish, Research Director. This Team involved and instructed the eleven Advisory Councils to the Commissions by teaching them the review process. For their part, the Councils, which are familiar with what is happening in their respective communities, supplied the Review Team with information necessary to make a complete and informed review of the applications.

In 1973, the Team reviewed 204 projects involving 101 towns. The remaining 103 projects involved the impact of Massachusetts Chapter 151B, Section 4, Paragraph 1, on discrimination in employment.

The Research Division also surveys all Public Housing agencies yearly. This survey data has been instrumental in screening A-95 Housing Review Applications.

The team also reviewed tenant selection policies in public housing agencies in the Commonwealth with the Department of Community Affairs, tenant groups, and managers of housing authorities.

The MCAD Review Team reviews applications for federal funding based on the impact to the Civil Rights of the population as measured by the following criteria:

- I. Project Summary Description.
 1. Type of project.
 2. Purpose of project.
 3. General size.
 4. Total cost.
 5. Geographical boundaries affected.
 6. Nature of Federal involvement.
- II. Applicant's past *direct* involvement with minorities.
 1. Nature of involvement.
 2. Identifiable organizations, representatives, community groups.
- III. Has the applicant ever been the subject of complaints to, or investigations by, civil rights agencies such as the Commission Against Discrimination, the Equal Employment Opportunity Commission or the office of Federal Contract Compliance? If so, what was the nature of the complaint?
- IV. The size of the minority population to be directly affected / served by the project.
- V. The number of jobs to be created as a result of the proposed project, and occupational descriptions of the positions created.
- VI. Changes in land use, transportation-related use, congestion, mobility that will directly or indirectly affect minorities.

- VII. Analysis of minorities and women on the Applicant's staff.
 - 1. Minority group employment by job category.
 - 2. Employment of women by job category.
 - 3. Employment of minority women by job category.
 - 4. Current total staff.
- VIII. The availability of an approved and workable Affirmative Action Plan, statements of Equal Employment Opportunity policy, Title VI (Civil Rights Act of 1964) compliance reports and assurances.
- IX. The active recruitment and participation of minority communities in the design of the proposed project.
 - 1. Citizen participation mechanism.
 - 2. Special outreach efforts — community organizing.
- X. The support of identifiable minority organizations and / or representatives of minority organizations for the proposed project.
- XI. The names of minority individuals and / or community groups that can be contacted for input in any further review of the proposed project.

The Research Division considers the A-95 Review Process to be an excellent instrument for MCAD and hopes that the process will continue to grow.

1973 LEGISLATION

The following four Bills were enacted into laws that affect the Massachusetts Commission Against Discrimination:

CHAPTER 1015 — Effective 2 / 1 / 73

This chapter amends paragraphs 6, 7, and 8 of section 4 of Chapter 151B to create the following exception to unlawful discrimination due to *age*:

“Residency in self-contained retirement communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a minimum age requirement for residency of at least fifty-five years.”

CHAPTER 325 — Effective 8 / 29 / 73

Subsection 14 of section 4 of Chapter 151B of the General laws (which makes it unlawful to deny credit due to sex or marital status); is hereby amended by adding the following paragraph: -

Any person who violates the provisions of this subsection shall be liable in an action of contract for actual damages; provided, however, that, if there are no actual damages, the court may assess special damages to the aggrieved party not to exceed one thousand dollars; and provided further, that any person who has been found to violate a provision of this subsection by a court of competent jurisdiction shall be assessed the cost of reasonable legal fees actually incurred.

CHAPTER 536 — Effective 9 / 27 / 73

This bill amends section 87AAA of Chapter 112 of the General Laws in two ways:

1. The board of registration of real estate brokers and salesmen shall suspend the license of a broker or salesman for 60 days (not 30 days as previously) when the board is notified that the MCAD has found that the broker or salesman has violated ch. 151B.

2. A broker or salesman who violates an anti-blockbusting section “shall be punished by a fine of not less than one thousand nor more than twenty-five hundred dollars or by imprisonment for not more than six months, or both.”

CHAPTER 929 — Effective 12 / 26 / 73

Section 4 of Chapter 151B of the General Laws is hereby amended by inserting after subsection 1 the following subsection:

1A. It shall be an unlawful discriminatory practice for an employer to impose upon an individual as a condition of obtaining or retaining employment any terms or conditions, compliance with which would require such individual to violate, or forego the practice of his creed or religion as required by that creed or religion including but not limited to the observance of any particular day or days or any portion thereof as a Sabbath or Holy Day and the employer shall make reasonable accommodation to the religious needs of such individual. No individual who has given notice as hereinafter provided shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement of his religion, he observes as his Sabbath or Holy Day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home, provided, however, that any employee intending to be absent from work when so required by his or her creed or religion shall notify his or her employer not less than ten days in advance of each absence, and that any such absence from work shall, whenever practicable in the judgment of the employer, be made up by an equivalent amount of time at some other mutually convenient time. Nothing under this subsection shall be deemed to require an employer to compensate an employee for such absence. "Reasonable Accommodation" as used in this subsection shall mean such accommodation to an employee's or prospective employees' religious observance or practice as shall not cause undue hardship in the conduct of the employer's business. The employee shall have the burden of proof as to the required practice of his creed or religion.

Undue hardship, as used herein, shall include the inability of an employer to provide services which are required by

and in compliance with all federal and state laws, including regulations or tariffs promulgated or required by any regulatory agency having jurisdiction over such services on where the health or safety of the public would be unduly compromised by the absence of such employee or employees, or where the employee's presence is indispensable to the orderly transaction of business and his or her work cannot be performed by another employee of substantially similar qualifications during the period of absence, or where the employee's presence is needed to alleviate an emergency situation. The employer shall have the burden of proof to show undue hardship.

The following institutions had not reported to MCAD at the time the preceding chart was typed for the 1973 Annual Report:

AGENCY

1. Division of Apprentice Training
2. Massachusetts Turnpike Authority
3. Government Center Commission
4. Department of Public Welfare — Greater Boston
5. Department of Public Welfare — New Bedford
6. Department of Public Welfare — Lawrence
7. Mental Health — Region II
8. Mental Health — Region III
9. Boston University Mental Health Center
10. Lindemann Health Center
11. Massachusetts Mental Health Center
12. Medfield State Health Center
13. Grafton State Hospital
14. Northampton State Hospital
15. Department of Community Affairs
16. Department of Public Utilities
17. Department of Natural Resources
18. Department of Agriculture
19. Board of Higher Education
20. Division of State Colleges
21. Board of Regional Community Colleges

22. Bristol Community College
23. Lowell Technical Institute
24. Massasoit Community College
25. University of Massachusetts — Amherst

1973 LEGISLATIVE SCOREBOARD

COMMITTEES

Judiciary

H 2120 — State Licenses

Commerce and Labor

H 3218 — Sex Discrimination — Sexual Preference

H 3220 — Sexual Preference License, Public Accommodation

H 3896 — Criminal Offense

H 4096 — Discrimination Public Employment

State Administration

S 1215 — Massachusetts Commission Against Discrimination

S 1216 — Massachusetts Commission Against Discrimination

H 2208 — State Contracts

H 6167 — Reorganize Massachusetts Commission Against Discrimination

Government Reorganization

H 2288 — State Licenses

Social Welfare

S 1149 — Discrimination

Public Service

H 2179 — Civil Service, Racial data be collected

H 4973 — MCAD Public Education

Education

H 2878 — Sex Discrimination, Educational Institution

1972 STATE CENSUS DATA

SECRETARIAT	TOTAL NUMBER	TOTAL MINORITY	TOTAL WOMEN
Administration & Finance	1,744	106	935
Community & Development	48	7	22
Consumer Affairs	692	22	177
Educational Affairs	6,558	434	2,574
Environmental Affairs	N.A.	N.A.	N.A.
Human Services	21,720	1,755	10,898
Manpower Affairs	2,825	231	1,961
Elderly Affairs	64	4	29
Public Safety	3,102	122	1,193
Transportation	5,442	107	568
Governor's Office	64	38	5
TOTAL	42,259	2,826	18,362

SEX AND AGE DIVISION

Louise H. Eckert, Director

In the latter part of 1972, a significant piece of legislation was passed by the Massachusetts Legislature and provided that females who completed an initial probationary period shall be permitted to be absent from their employment for a period not exceeding eight weeks for the purpose of giving birth. Early in 1973, the MCAD adopted new "maternity leave" guidelines and regulations designed to carry out the provisions of the law. With these guidelines in effect, sweeping changes were required by all employers, including educational institutions covered under the Fair Practices Act.

Essentially, women could not be required to leave their jobs at some arbitrary stage in their pregnancy, nor could they be required to remain away from their jobs for a specified time set by the employer. It therefore required that a pregnant woman should be allowed to work as long as she was able to perform the duties of her job in a competent manner. Such maternity leave should not affect any advantages or rights of employment incident to the person's employment position such as seniority, vacation time, sick leave, etc., and she would be restored to her previous or similar position upon her return.

The guidelines and regulations also provided that the woman on pregnancy leave should receive sick leave pay under the same terms and conditions as any other temporary disability provided by the employer.

The last section of the regulations has created some problems in administering by voluntary compliance. In these instances, individual complaints have been filed.

Many meetings and conferences have been held throughout the state with representatives from labor unions, industry, schools and colleges to assist them in revising labor contracts and / or personnel policies to conform with the law. In many instances, proposed contracts have been sent to this Division for approval before negotiation or

adoption.

Two additional pieces of legislation were passed late in 1973 outlawing discrimination because of sex or marital status in the furnishing of credit and services. (Chapter 168 and Chapter 325 of the Acts of 1973). Chapter 168 provided basically for the outlawing of discriminatory practices because of sex in the granting of credit and services. This was followed a month later by Chapter 325 which gave an added thrust of providing for damages and legal fees.

In connection with these statutes, meetings were held with officials of retail stores, banks and others involved with the granting of credit to inform them of the provisions of the laws. Officials of these various organizations were given copies of the laws and requested to instruct all employees who may be responsible for granting credit. A program was begun to review applications for credit to insure that women with adequate financial resources to assume obligations were not required to have more stringent requirements than men or that married women were required to obtain their husband's signature. In essence, the law provides that a working woman must be treated as an individual when applying for credit and judged on her own financial ability to pay.

In the near future, it is anticipated that proposed guidelines will be prepared for later adoption after a public hearing.

Student Interns

During the year, four student interns, all college seniors, were assigned to this Division as part of the Commonwealth's continuing program to educate students in government procedures, etc. An intensive training program was carried out during their tenure in the Division.

All interns are expected to become knowledgeable about the laws against discrimination administered by the MCAD and to assist the MCAD in carrying out assigned programs. The student interns, in addition to their training program, were given the opportunity to attend public hearings held in

the MCAD office relating to complaints unable to be conciliated after a probable cause finding was made.

Meetings and Conferences, etc.

The director attended a conference with members of the bi-centennial committee to discuss possible involvement of the MCAD. Future meetings will be planned after which a proposal will be presented to the Commission for approval.

Meetings were attended by the director of various women's organizations where Governor Francis Sargent PROCLAIMED "Business Women's Week". The director was invited to attend as a resource person to answer questions posed by women concerning the interpretation of newer statutes enforced by MCAD.

Meeting of Federally Employed Women (FEW) was attended by the director where problems concerning all phases of employment were discussed. The director was appointed as an ex-officio member of the Board of FEW to act as a resource person for exchange of information regarding state and federal statutes affecting sex and / or age discrimination.

The director was appointed by the Commission to coordinate an MCAD booth at an exposition called "It's a Woman's World". The exposition ran for three days and was staffed by volunteers. Information concerning the laws administered by the MCAD and material was made available during that time to the public who attended the exposition.

The director was also appointed as the coordinator for a "booth" at a jointly sponsored program by the Governor's Commission on the Status of Women and Station WBZ-TV. A committee was appointed to plan the booth arrangements and meet with the WBZ producer for directions and planning. The date scheduled for the program was early in 1974.

Speeches

During 1973, the director lectured to classes in government at Regis College, St. Thomas' High School, Charles

Street Meeting House and Boston University among others, (like Boston State College women who later filed a class action complaint).

Speeches were also made before several women's business and / or professional organizations to inform them of the provisions of the law and with its implementation how newer horizons open up for women.

Ongoing Programs

Requests continue to be made for exemptions from the law to limit the appointment to a job to a member of one sex or one age group. The director, after investigating the requests, discovered the reasons given had nothing to do with job duties or public morals. Usually the jobs were stereotyped to a particular sex only by custom. In most instances, the requests were withdrawn when the provisions of the law were understood. In others, the Commission denied the requests after recommendations were made by this division.

Newspaper personnel continue to be contacted when classified advertising appears to specify either sex or age, directly or indirectly. The division has instructed newspaper personnel in some instances for the advertiser to contact the Commission for an instruction in the law. Investigations continue concerning the enforcement of newer statutes involving discrimination against women in obtaining credit cards, etc. It is the aim of this division to have a uniform policy established by all institutions providing credit which will comply with the law. In this manner, there will not be a plethora of complaints filed adding a tremendous workload to the staff of the MCAD. In some instances, immediate voluntary compliance is received when persons in authority are contacted. One such instance occurred when a woman was refused a "courtesy card" (which enables a person to cash checks) unless her husband signed the application. The woman was employed and recently married. In contacting an official of the supermarket chain involved, the woman not only received the "courtesy card" without her husband's signature, but also received a formal apology.

Investigation has begun of the New England Telephone Company's "Yellow Pages". Display advertising appearing in these pages was noted to contain discriminatory wording or outlines. The present directory was unable to be changed, but investigation follow-up will continue to have this advertising corrected.

Civil Service examination posters are continuously reviewed for compliance with the law. An investigation has begun to have many of the titles presently in use changed to delete any reference to sex such as "matron", "janitress", "repairman", etc.

WALTER H. NOLAN
Executive Secretary

The Commission Against Discrimination is a quasi-judicial agency with four administrative officers who are generally responsible for investigation and case processing of complaints filed with this agency, policy making decisions involving the anti-discrimination laws which this agency is mandated to enforce, and the day-to-day general administration of the Commission.

The case processing function includes, inter alia, the investigation of complaints, statutorily mandated efforts to conciliate the same, and the all important quasi-judicial role of Hearing Officer at public hearings held on those cases which could not be conciliated.

The procedures governing the public hearing function are set forth in the Commission's Rules for Adjudicatory Proceedings and under Chapter 30A, the State Administrative Procedure act so-called. The Commissioners, sitting as Hearing Officers, are required to set forth as part of their decision, Findings of Fact, Conclusions of Law and the appropriate Order. Once served, an aggrieved party has multiple levels of appeal both to the Full Commission and, subsequently, to the appropriate system of the Commonwealth of Massachusetts.

NOTE:

In compliance with the Administration's directive to reduce expenditures wherever possible, we are foregoing the previous practice of including the findings of fact, conclusions of law and order, opinions and final orders issued after public hearings.

Copies of decisions in these complaints will be sent on request to interested parties. Write to: Public Information Officer, MCAD, 1 Ashburton Place, Boston, Massachusetts 02108.

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

On Relation Of

ELIZABETH HOLDEN

199 Pond Street

Westwood, Norfolk County,

COMPLAINANT

AGAINST

GARRITY REALTY

361 Massachusetts Avenue

Arlington, Middlesex County

and

PHILIP ANDERSON

20 Brattle Street

Arlington, Middlesex County,

RESPONDENT

OPINION AND
FINAL ORDER

COMPLAINT NO.
70-PrH-34-C

Private Housing
— Color

COMPLAINT DISMISSED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

GEORGE C. COLE

COMPLAINANT

FINDINGS AND
ORDER

v.

JONES CONSTRUCTION CO.

RESPONDENT

MCAD NO.
72-SEMP-7-C

Employment
— Color

COMPLAINT DISMISSED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION

COMPLAINANT

v.

RICHARD L. KEATING, d / b / a
Norfolk Homes
1162 North Main Street
North Randolph,
Norfolk County,

COMPLAINT NO.
71-PrH-HUD-66-R

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

RESPONDENT

Private Housing
— Race

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

FITZROY C. DAVIS

COMPLAINANT

MCAD NO.
71-EMP-326-R / C

v.

ELECTRONICS CORPORATION
OF AMERICA

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

RESPONDENT

Employment
— Race and Color

COMPLAINT DISMISSED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

EDWARD A. THOMPSON

COMPLAINANT

MCAD NO.
70-EMP-11-C

v.

WESTINGHOUSE ELECTRIC CORP.

Sturtevant Division

and

JAMES H. PALERMO,

Factory Operations Manager

FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER

RESPONDENTS

Employment
— Color

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

EDWARD A. THOMPSON

COMPLAINANT

FURTHER FINDINGS
OF FACT AND
AMENDED ORDER
OF THE HEARING
COMMISSIONER

v.

WESTINGHOUSE ELECTRIC CORP.

Sturtevant Division

and

JAMES J. PALERMO

Factory Operations Manager

MCAD NO.
70-EMP-11-C

RESPONDENTS

Employment
— Color

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

ROBERT MACKLER

COMPLAINANT

MCAD NO.
72-S-6

FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER

v.
BURKE MARKETING RESEARCH

RESPONDENT

Sex

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

DORRIS E. HANSON

COMPLAINANT

COMPLAINT NO.
71-SEMP-8-C

FINDINGS OF FACT
AND CONCLUSIONS
OF LAW

v.
THE VISITING NURSES ASS.
OF SPRINGFIELD

RESPONDENT

Employment
— Color

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

DEBRA L. CECIL

COMPLAINANT

MCAD NO.
72-PrH-29-R

FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER

v.
MARTIN STEINBERG

RESPONDENT

Private Housing
— Race

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

LANESE ROGERS,
JANICE ROBERTS,
FREDERICK F. CLANAGAN,
MARTHELLA CRAWFORD
AND GLEN F. WILLIAMS

MCAD NOS.
70-P-8-C;
70-P-10-C; 70-P-24-C;
71-P-37-C; 71-P-38-C

COMPLAINANTS

v.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER

RESPONDENT Public Accommodations
— Color

FINDING FOR COMPLAINANTS

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

On Relation of
EDWARD J. GOMES
24 Battina Street
Onset, Plymouth County
and
DAVID VALLES
163 High Street
Taunton, Bristol County

EXECUTIVE DEPARTMENT

COMPLAINANTS

AGAINST
VAPPI & COMPANY, INC.
240 Sidney Street
Cambridge, Middlesex County
and JOHN P. NASUTI,
Foreman

COMPLAINT NOS.
70-EMP-166-C
70-EMP-169-C

Employment
— Color

RESPONDENTS

COMPLAINT DISMISSED

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

SANDRA LEE
27 Phillips Street
Boston, Suffolk County

COMPLAINANT

v.

220 BEACON REALTY, INC.
53 Mt. Vernon Street
Boston, Suffolk County
and
C. THOMAS ZINNI,
as President
220 Beacon Realty, Inc.
53 Mt. Vernon Street
Boston, Suffolk County

COMPLAINT NO.
70-PrH-103-C

FINDINGS OF FACT
OPINION AND ORDER

Private Housing
— Color

RESPONDENTS

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

ELLEN J. SILBERBERG

v.

BOURNEWOOD HOSPITAL

COMPLAINT NO.
70-S-177-CA

FINDINGS OF FACT,
OPINION AND ORDER

Unequal Pay because of Sex
— Class Action

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

DOROTHY K. MARTELL

COMPLAINT NO.
72-S-15-S / A

COMPLAINANT FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER

v.

NATIONAL PROPANE CORP.

RESPONDENT Failure to Promote
— Sex and Age

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

SHARYN LEE THOMAS

MCAD NO.
72-SPrH-15-C

COMPLAINANT

v.

BERTHA AUTHIER

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

RESPONDENT

Private Housing
COMPLAINT DISMISSED — Color

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

JOSEPH M. MILLER, M.D.

MCAD NO.
71-PrH-88-RC

COMPLAINANT

DECISION AND ORDER

v.

NEW ENGLAND
DEACONESS HOSPITAL

Private Housing
— Race and Color

RESPONDENT

COMPLAINT DISMISSED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

ERNEST MANEZ

COMPLAINANT

v.

LOCAL UNION NO. 51
United Brotherhood of Carpenters
and Joiners of America
and

MARIO NATALE,
Individually and as
Business Agent for
Local Union 51

MCAD NO.
72-EMP-174-NO-CA

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

Employment
— National Origin
— Class Action

RESPONDENTS

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

RODNEY H. LYNK

COMPLAINANT

COMPLAINT NO.
72-Par-4-18

v.

RICHARD KVITKA, President
Crimson Apartment Service, Inc.
RICHARD KVITKA, Individually,
MICHAEL ENTNER, Treasurer
Crimson Apartment Service, Inc.

FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER
Harassment in Housing

RESPONDENTS

COMPLAINT DISMISSED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

ANNIE JACKSON

COMPLAINT NO.
73-EMP-22-C

COMPLAINANT

FINDINGS OF FACT
AND CONCLUSIONS OF
LAW AND ORDER

v.

TRINITY CHURCH HOME
FOR THE AGED, INC. d / b / a
SHERRILL HOUSE

Employment
— Color

RESPONDENT

COMPLAINT DISMISSED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

PATRICIA O'BRIEN

COMPLAINANT

MCAD NO.
73-EMP-294-S

v.

DR. THOMAS MAGUIRE,
Superintendent Salem,
School Department, et al

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

RESPONDENTS Employment
 — Sex

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

EDNA K. SKELLEY
47 Warwick Street
Belmont, Middlesex County

MCAD NOS.
71-S-CA-92
72-Par-4-8

COMPLAINANT

v.

CAMBRIDGE HOUSING AUTHORITY

678 Massachusetts Avenue
Cambridge, Middlesex County
and

DANIEL F. BURNS,
Executive Director and Members,
Cambridge Housing
Authority Board

FINDINGS OF FACT,
OPINION AND ORDER

Failure to Promote
— Sex
— Class Action and
Harassment in Employment

RESPONDENTS

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

LANESE ROGERS
and
JANICE ROBERTS

COMPLAINANTS

v.
MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

MCAD NO.
70-P-8-C
70-P-10-C

RESPONDENTS

Public Accommodation
— Color

RESPONDENT'S REQUEST FOR REVIEW
AND REHEARING DENIED

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

LILLIAN DUPRE

COMPLAINANT

MCAD NO.
73-EMP-215-S

v.
DEPARTMENT OF CORRECTION,
Superintendent Charles Gaughan, et al

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

RESPONDENTS

Employment
— Sex

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
COMMISSION AGAINST DISCRIMINATION

TERRY DOWNEY

Complainant

v.
MELROSE SCHOOL COMMITTEE
and
MELROSE EDUCATION ASS.

COMPLAINT NO.
73-EMP-433-S

Employment
— Sex

RESPONDENTS

FINDING FOR COMPLAINANT

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

TERRY DOWNEY

COMPLAINT NO.
73-EMP-433-S

COMPLAINANT

v.
MELROSE SCHOOL COMMITTEE

DECISION OF THE
MASSACHUSETTS
COMMISSION AGAINST
DISCRIMINATION

RESPONDENT

MODIFICATION OF ORDER NO. 1
IN PREVIOUS COMPLAINT

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

